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Chairman: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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00-70923 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/55/177, A/55/213 and Add.1, A/55/214 and Add.1, A/55/275 and Add.1, A/55/279, A/55/280 and Add.1 and 2, A/55/283, A/55/288, A/55/289, A/55/291, A/55/292, A/55/296 and Add.1, A/55/302, A/55/306, A/55/328, A/55/342, A/55/360, A/55/395-S/2000/880, A/55/404-S/2000/889, A/55/408; A/C.3/55/2)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/55/269, A/55/282-S/2000/788, A/55/294, A/55/318, A/55/335, A/55/346, A/55/358, A/55/359, A/55/363, A/55/374, A/55/400, A/55/403 and A/55/426-S/2000/913)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/55/36 and A/55/438-S/2000/93)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/55/36)

1. **Ms. Al-Hajjaji** (Libyan Arab Jamahiriya) stressed the importance of the progress achieved in the Sudan and of the Government's cooperation with the Special Rapporteur. She requested clarification of paragraphs 19 and 24 of the report (A/55/374) with regard to the company, Talisman Energy Incorporated, and, in particular, asked whether it was responsible for human rights violations in the Sudan or whether it was helping to promote development in that country.

2. **Mr. Oda** (Egypt) drew attention to paragraph 4 of the report on the situation of human rights in the Sudan (A/55/374), which stated that the Governments of Egypt and the Libyan Arab Jamahiriya had agreed on steps to implement a joint comprehensive peace initiative for the Sudan which had received support from all parties in the country. He emphasized the progress that had taken place in the Sudan and the need to put an end to the conflict that had been waged in the south of the country for over 18 years.

3. **Ms. de Armas García** (Cuba) asked whether the Special Rapporteur could provide further information on the improved cooperation of the Sudanese Government since the report focused on the remaining problems. She also asked him to specify who the first-hand sources mentioned in the report were and, if they were organizations, what type of organizations they were and what type of work they were carrying out in the Sudan. She also requested information on the Special Rapporteur's criteria for ensuring that they were reliable sources.

4. **Mr. Yu** Wenzhe (China) praised the Sudanese Government's improved cooperation with the Special Rapporteur concerning measures taken to promote peace in the Sudan. He noted with satisfaction that the Sudan's oil resources were being exploited since economic development was one means of protecting human rights.

5. **Mr. Franco** (Special Rapporteur on the situation of human rights in the Sudan) stressed the importance of the Sudanese delegation's announcement that the state of emergency would be lifted prior to the elections and that the United Nations had been asked to provide special monitoring of the electoral process. He examined the reliability of information sources with great care and did not, as had been suggested, work only with groups outside the United Nations system, but with a variety of sources within and outside that system which were recognized by the Government of the Sudan. Furthermore, cooperation in the field of human rights also involved identifying problems and considering ways of resolving them, a fact that explained the constructive aspect of certain unfortunate events described in the report.

6. He welcomed the creation of a committee to investigate events associated with the February bombing in Kaouda and stressed the importance of the Government taking similar action with regard to the other incidents described in his report, particularly in paragraph 14 thereof. He noted that both parties were violating the internationally established principles governing conduct during wartime. The student problem was a qualitative rather than a quantitative one; consideration should be given to organizing a students' union in a country proclaiming its transition to democracy.

7. With regard to individual cases, he had provided the Government with a list of allegations of human rights violations and would continue to submit whatever additional reports he received. To date, he had received no reply. He also wished to make it clear that he was not opposed to the Sudan's right to exploit its resources and, in particular, its oil, unless that exploitation entailed human rights violations as had been the case in that country.

8. He reiterated that slavery was, in effect, being practised as a strategy of war; with respect to the reports of abductions, he welcomed the Government's decision to create a special committee for the eradication of that practice and was prepared to provide it with additional support. Lastly, in light of the fact that the social rights of much of the country's population had been seriously affected by the conflict, he trusted that the peace process in the Sudan would make it possible to focus on promotion of the right to development.

9. **Mr. Dieng** (Independent expert of the Commission on Human Rights on the situation of human rights in Haiti), introducing his report (A/55/335), stressed that it was essential that Haiti's political leaders should make a firm commitment to strengthening the culture of democracy in the country. He had therefore recommended that a symposium should be held on that issue, a proposal which had met with the approval of many members of the political class. Haiti's priority task was not so much to monitor human rights as to institutionalize democracy; accordingly, the Government had asked the expert to participate in the first meeting on judicial reform held recently in Port-au-Prince. In order to remedy the problem of the population's profound lack of respect for the country's judicial system, which it believed dispensed class justice, structural reforms and public information measures were necessary so that the local population and foreign investors could once again place their trust in the system. The Haitian authorities had taken a first step towards demonstrating to the international community that they were sincere: the texts which would serve as a basis for the establishment of an independent judicial branch, meticulously revised by magistrates, lawyers, representatives of civil society and the independent expert, would soon be introduced in Parliament; in addition, the Ministry of Justice had prepared draft legal statutes and had given priority to the development of standards for the control and suppression of illicit drug trafficking and the laundering of money obtained from trafficking and other illicit means. In that connection, he expressed appreciation for the cooperation of France and its experts. Cooperation with, and the support of, donors, as well as sincere political will on the part of the authorities were essential in order to ensure continued progress in those areas.

10. The trial of those responsible for the Raboteau massacre, which was also viewed as putting the coup d'état on trial, was continuing; in that connection, he recommended that the Committee should request the United States once and for all to return all documents of the Haitian Armed Forces and the Front révolutionnaire pour l'avancement et le progrès en Haiti (FRAPH); in the opinion of the chairman of the United States bipartisan congressional delegation which had visited Haiti, those documents were the property of the Haitian Government, and their seizure had clearly violated the spirit, if not the letter, of the Multinational Force's mandate.

11. Also with regard to the legal system, he noted that for the first time Haitian National Police officers had been tried and sentenced for the massacre of 11 young Haitians in Raboteau. Although there had been some criticism that the sentences were not sufficiently severe, it was unanimously agreed that the trial was a first important step in the fight against impunity. He was also concerned by the situation of prisoners: illegal detentions and failure to respect judicial procedures had greatly increased the prison population in the past five years. Most of the detainees were being held in pre-trial detention as a result of judicial irregularities. Efforts to improve detention conditions had been gravely undermined by the substantial reduction in the support provided by the international community.

12. In spite of the freezing of funds for Haiti caused by the institutional and electoral crises, the Government was continuing its efforts to ensure that young people could enjoy their right to education, which was an integral part of their economic, social and cultural rights. In that regard, the declining quality of teaching, the increasingly commercial criteria for the establishment of schools and lax monitoring by the State had raised fears of an increase in functional illiteracy. He called on financial institutions, friendly Governments and Haitian society as a whole to promote social justice and assist the Government in its

struggle against drug trafficking and money laundering, since that would help to reinforce economic, social and cultural rights and contribute to the strengthening of democracy in Haiti.

13. The high esteem in which the Representative of the Secretary-General in Haiti was held was encouraging since it strengthened the authority of the International Civilian Support Mission in Haiti (MICAH). The establishment of close ties of cooperation between the Mission's Human Rights section and the Office of the United Nations High Commissioner for Human Rights, with a view to ensuring a permanent presence of the latter, would prevent the creation of a vacuum in efforts by non-governmental organizations and civil society in general to strengthen institutions when MICAH ceased its activities, an approach he had suggested even before the departure of the International Civilian Mission in Haiti (MICIVIH). The Office of the United Nations High Commissioner could also assist the Government with the process of ratification of the principal human rights instruments recently introduced in Parliament.

14. Another example of efforts by the United Nations in the area of justice had been the team sent by the regional office for Latin America and the Caribbean of the United Nations Development Programme (UNDP), which had played a useful role when the electoral crisis had led to the threat of sanctions against Haiti: the team had warned that public denunciations from the international community weakened democratic mechanisms in the country by supplanting domestic pressure groups. Finally, he called on the Committee to reflect on the relevance of his mandate, given the changing human rights situation and the fact that Haiti required above all support for strengthening its institutions and civil society, as well as critical but generous understanding. The Haitian people needed help in developing a dialogue based on political tolerance, like the help provided by the Organization of American States (OAS).

15. **Ms. Romulus** (Haiti) noted that paragraph 33 of the report of the former independent expert stressed the originality of the 1987 Constitution, which had been the catalyst for the Haitian people's participation in the decision-making process. With respect to the comments made in paragraph 34 regarding freedom of expression, she warned that such freedom could lead to licence and that some individuals were using the so-called "open channels" for purposes of defamation.

16. The Haitian National Police disciplined its corrupt officers according to its own regulations. With regard to the politicization of the police, the police authorities had organized a programme to stress the importance of civic education in police training. In the context of the Haitian Government's brave efforts to combat impunity as a major obstacle to the promotion of human rights, she noted that the Carrefour Feuilles trial had ended and that the trial of the alleged perpetrators of the Raboteau massacre was under way. The road to democracy was a difficult one for Haiti. Personal ambition, interest groups and the return of thousands of criminals to the country were creating a climate of violence, poverty and confusion. Social and political problems were aggravating unemployment and worsening the social and economic situation of disadvantaged groups. Furthermore, the gradual suspension of international assistance meant that the Government could fund only some of its social plans and development projects.

17. Thus, Haiti was yet another example of the close relationship between a people's political rights and its economic and social rights. It was clear that for Haiti, the only least developed country in the northern hemisphere, poverty must be eradicated before the lasting foundations of a democratic system could be laid. As had already been recognized, the right to development was a fundamental human right. Haiti's transition to democracy required social and economic stability, strengthened production capacity, market access and, above all, official development assistance so that the Government could implement its development policy.

18. Lastly, more equitable distribution of the advantages and disadvantages of globalization was another prerequisite if Haiti and all countries in transition were to make progress towards democracy and escape from the vicious circle of economic backwardness. In other words, the globalization of democracy must be accompanied by a democratization of globalization.

19. **Mr. Dieng** (Independent expert on the situation of human rights in Haiti) reiterated that Haiti was an isolated, forgotten country. Only Chile, Argentina, France, Canada, Venezuela and the United States were showing solidarity with Haiti. Even the assistance provided by those countries did not always produce fruitful, satisfactory results because Haiti's real needs and situation were not taken properly into account.

That was the case with the millions of dollars which the United States had invested in helping to reform the Haitian judicial system. He urged the international community to understand that Haiti, the world's first independent black republic, needed and deserved assistance because it was powerless to escape its terrible situation on its own.

20. **Mr. Garretón** (Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo) said that, unfortunately, lack of financial resources had limited him to only one visit to the Democratic Republic of the Congo and one consultation in Geneva, which was not sufficient for him to fulfil the mandate entrusted to him and which undermined his credibility. That situation was all the more regrettable in that his field visits had been very fruitful: they had resulted in the release of prisoners, the transfer of detainees from dark cells to more suitable prisons or to hospitals, expedited judicial proceedings and greater freedom for the media.

21. Referring to his report (A/55/403), he said that in order to understand the situation in the Democratic Republic of the Congo, it must, above all, be borne in mind that the Democratic Republic of the Congo was, in fact, the setting for nine armed conflicts involving seven foreign armies and 21 irregular armed groups. The armed conflict between the Congolese Government, Rwanda, Uganda and Burundi had all the hallmarks of an international conflict since it threatened the territorial integrity of the Democratic Republic of the Congo. The armed tribal conflict between the Balendu and the Bahema, for its part, could be termed an "internationalized" internal conflict.

22. The Lusaka Peace Agreement was being placed in jeopardy by numerous violations of the ceasefire by all the signatories, and by the Government's decision to suspend its application. That decision, which had been rejected by the other signatories, could be considered a veritable declaration of war. In addition, despite the tireless efforts of the United Nations and the Organization of African Unity, the parties had shown no interest in ending the hostilities. In that context, he noted that the resentment felt by many Congolese towards the United Nations because of its attitude in the past was no longer justified, since the United Nations was currently doing its best to find a political solution to the war that would respect the territorial integrity and sovereignty of the Democratic Republic of the Congo.

23. The humanitarian and ecological consequences of the conflict were enormous: 50 million Congolese were at risk of dying as a result not only of the war but also of the country's disastrous economic and social situation. The clashes between Rwandan and Ugandan troops in Kisangani had caused tremendous damage and the country's natural resources were reportedly being exploited illegally. Reports on the subject, requested by the Security Council, would be submitted shortly. The primary victims of the war were civilians, particularly women and children. In Government-controlled territories, it was civil and political rights (freedom of association, expression and assembly) that were most often violated, while in territories controlled by the Rassemblement congolais pour la démocratie (RCD)/Goma and the Mouvement de libération du Congo (MLC), there were also periodic violations of the right to life. The most serious acts committed by Government forces were the bombing of various locations and their support for the Mai-Mai and Interahamwe, which could not be justified despite the fact that those groups had the support of the Congolese public, frustrated at the foreign occupation of their country. RCD and its allies, for their part, did not hesitate to murder defenceless civilians in reprisal for Interahamwe and Mai-Mai attacks on their positions. It was particularly disturbing that in recent months, attacks on churches and health clinics in the east of the country, had increased, in flagrant violation of the Geneva Conventions.

24. The situation of the prisoners of wars was also alarming. The Special Rapporteur had informed the second vice president of RCD that a number of Congolese had been tortured and castrated by Rwandan forces, and he had responded by coldly justifying the facts and asserting that the victims had also castrated many others. Meanwhile, none of the parties seemed to show any interest in the democratic process. The Government was continuing to refuse to dialogue with the democratic opposition and political parties were still illegal. Moreover, the Constitutional and Legislative Assembly established on 21 August 2000 was not representative and had not restricted the powers the President had bestowed on himself in 1997.

25. In the territories controlled by the rebel movements, there was only one party: either RCD or MLC. Those who did not sympathize with one or the

other had to cease all activities or go into exile. Human rights defenders and representatives of the civil society were subject to harassment and threats of all kinds in Government- or rebel-controlled zones. The amnesty decreed by the Government was being only partially applied, and people were still being arrested on political grounds. Nor was freedom of expression respected. During the month of September, the Government had suspended nine radio stations and four private television channels. In the territories controlled by RCD/Goma, there was no opposition newspaper, and the independent radio stations which had not been suspended were required to broadcast official bulletins. In addition, all parties practised torture. Nor was the right to a fair trial respected. Victims of human rights violations enjoyed no recourse before the law. In the territories controlled by RCD, the death penalty was applied following summary judgements that failed to respect the right to due process.

26. The time had come when the Government and the rebel movements understood that the Congolese people were tired of the war and just wanted to live in peace and security. His report therefore offered recommendations to each of the various parties. The main recommendations to the Government were: immediately to establish a national dialogue, in cooperation with the Facilitator; to abolish the death penalty; to eliminate the Military Court (Cour d'ordre militaire); to recognize political parties and non-governmental human rights organizations; to free all political prisoners and members of the press; to reinstate the freedoms of expression and opinion; to abolish the Constitutional and Legislative Assembly; to cease all cooperation with the Interahamwe; and to recognize the precedence of international law over national law.

27. His recommendations to RCD were: to cease all cooperation with foreign armies; to permit the free exercise of civil and political rights; to recognize that it did not have the support of the Congolese people; to avoid infringing on the country's sovereignty and territorial integrity; to investigate incidents reported in the territories under its control; to commute death penalties handed down by the Council of War; to cease to interpret all acts of opposition as incitements to ethnic hatred; and to disband local militias. Foreign armies occupying Congolese territory should withdraw immediately, refrain from all acts of reprisal; assume responsibility for the harm done to the Congolese population; pay compensation to the victims; and return property confiscated since 1998.

28. For their part, United Nations mechanisms should continue to support the peace process in the Democratic Republic of the Congo and the inter-Congolese dialogue, and should impose an arms embargo on all countries involved in the Congolese conflict. Finally, it was important for the United Nations to allocate sufficient resources to the Commission on Human Rights, so that it could fully accomplish its mandates and thereby contribute to the universal application of human rights.

29. **Mr. Booto** (Democratic Republic of the Congo) said that his delegation had taken note of Mr. Garretón's report on the situation of human rights in the Democratic Republic of the Congo (A/55/403). He wished to point out, first and foremost, that the Special Rapporteur had been able to carry out his mission in the Government-controlled areas without impediments or difficulties. His report made at least two outstanding points: it accurately defined the nature of the conflict destroying the Democratic Republic of the Congo as a war of aggression waged by Rwanda, Burundi and Uganda; and, it specified that although all parties committed human rights violations, violations were clearly far more grave in the territories occupied by the aggressor than in those under the control of the Government.

30. It was regrettable, however, that Mr. Garretón's report also contained false and distorted information. Paragraph 11, for instance, stated that contrary to the public announcement, the Democratic Republic of the Congo had not acceded to the Protocols Additional to the Geneva Conventions. The Democratic Republic of the Congo was indeed a party to the four Geneva Conventions of 1949, as well as to the Additional Protocol I, relating to the protection of victims of international armed conflicts. Moreover, it was holding consultations with regard to acceding to the Additional Protocol II.

31. It was also regrettable that, unlike Mrs. Robinson, the High Commissioner for Human Rights, the Special Rapporteur had not put forward any concrete recommendations for ending violations of human rights. He would like to know the views of the Special Rapporteur on a remark made by Mrs. Robinson during the previous session, namely, that certain deteriorating situations, such as that of Burundi and of the

Democratic Republic of the Congo, were not receiving the necessary attention and support in the area of human rights.

32. **Ms. Nyirinkindi** (Uganda) said Uganda was totally committed to the respect, promotion and protection of human rights, as demonstrated by its Constitution and the independent Human Rights Commission it had established. However, her delegation had concerns about, and wished to register its objection to, certain allegations contained in the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (A/55/403) relating to the Republic of Uganda. Some of those allegations were not founded.

33. The report noted that the Special Rapporteur had not visited all the places which he had reported on and he may therefore have been misinformed about the situation. Nevertheless, should there be evidence of any wrongdoing by Uganda, her Government would not hesitate to take appropriate action under its domestic legislation to punish those concerned.

34. In reply to the allegation that Uganda was involved in the exploitation of the natural resources of the Democratic Republic of the Congo, she stated categorically that the Government of Uganda was not and had never been involved in any such exploitation. It would not make economic sense for Uganda to covet the wealth of the Congo when it had sufficient wealth in Uganda.

35. She emphasized once again that Uganda was involved in the Democratic Republic of the Congo for security reasons, as had been acknowledged by the Security Council in various resolutions, most recently in June 2000. That was further confirmed by note No. 1 in the report, which made reference to the presence of Ugandan troops in the Democratic Republic of the Congo. Allegations that Uganda persecuted Christians and Christian churches were baseless; it was well-known that Uganda was the cradle of Christianity in sub-Saharan Africa. It was also untrue that Uganda recruited child soldiers.

36. Africa was going through a very difficult phase, which was exacerbated by the legacy of past regimes. In order to find a lasting solution in the Great Lakes region, rather than apportioning blame, those involved, with the help of the international community, should focus on the root causes of the situation.

37. The Lusaka ceasefire agreement offered the best hope for peace in the Democratic Republic of the Congo and the Great Lakes region as a whole. It envisaged the establishment of a democratic and accountable government in the Democratic Republic of the Congo and addressed the security concerns of the neighbouring States. Uganda was committed to full implementation of the Lusaka agreement and she appealed to the international community to continue to provide moral and material support to the Lusaka peace process, namely: the deployment of peacekeepers and the provision of assistance to the Political Committee and the Joint Military Commission established by the Agreement.

38. **Mr. Mutaboba** (Rwanda) said that the arguments in the report of the Special Rapporteur were not well developed, possibly because his visit to the Democratic Republic of the Congo was so short or because he was trying to be brief. Furthermore, the report revealed the Special Rapporteur's bias against Rwanda. For example, in paragraph 17, he accused the Government of Rwanda of releasing Interahamwe criminals to fight in the Democratic Republic of the Congo, an accusation which was intended to divide Rwandans. It was inconceivable that Rwanda would release criminals and persons responsible for genocide and arm them to fight alongside its troops; such statements belonged to the realm of political propaganda.

39. Paragraph 37 of the report could well have been drafted by the Kinshasa authorities. One of the reasons why the Minister for Foreign Affairs of the Democratic Republic of the Congo had been indicted by a Belgium court was because he had used inflammatory language to describe people of Rwandan origin. It was also unacceptable that the Special Rapporteur should have described the detention centres as protection centres.

40. In paragraph 71 Rwandan soldiers were accused of transmitting AIDS to Congolese women, but she said Rwandan troops were known for their discipline and the Rwandan military code of conduct provided for the death penalty in cases of crimes of a sexual nature.

41. In paragraph 92 Rwanda was falsely accused of persecuting Catholic and Protestant churches in the eastern part of the Democratic Republic of the Congo; that was far from the truth. Most Rwandans were Christians, who despised only those who used the pulpit to preach hate rather than love. Paragraph 96 explained why Rwanda was involved in the Democratic

Republic of the Congo. The Interahamwe, which had killed 1 million people, including women, children and the elderly, in 90 days, had been integrated into the regular armed forces of the Democratic Republic of the Congo for the purpose of finishing the genocide which they had not consummated in 1994. Although a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the Democratic Republic of the Congo had given sanctuary to those responsible for genocide. If the Special Rapporteur had read the recommendations concerning Rwanda made in the Carlsson report, he would certainly have mentioned the alliance between President Kabila and his allies and those responsible for genocide, which proved that his report was not objective. The Democratic Republic of the Congo was violating its own sovereignty by allowing rebel criminal groups to operate on its territory, leading to the current crisis.

42. Rwandan forces were not present in the Democratic Republic of the Congo for economic reasons. Rwanda's position had been explained in detail during negotiation of the Lusaka ceasefire agreement and there was a consensus on Rwanda's interests, which revolved only around security questions. In order for the international community, in particular the Security Council, to play its role in the maintenance of peace and security, United Nations Mission in the Democratic Republic of the Congo (MONUC) peacekeepers must be deployed as agreed and the criminal forces must be disarmed. That would motivate Rwandan forces to leave the Democratic Republic of the Congo immediately. Finally, he said his Government categorically rejected reports that its troops had castrated people. The Special Rapporteur, who had only visited the Democratic Republic of the Congo once, had simply repeated those baseless reports.

43. **Mr. Magro** (France), speaking on behalf of the European Union, said that it was important to note that the Special Rapporteur had been able to review the situation with the authorities of the Democratic Republic of the Congo, which was of great importance for the special mechanisms dealing with human rights questions. He encouraged the Special Rapporteur to continue his work in accordance with the mandate conferred by the Commission on Human Rights. He wondered what the Special Rapporteur's reaction was to the observation made the previous day by the United Nations High Commissioner for Human Rights concerning the commitments made by the authorities of the Democratic Republic of the Congo and President Kabila, in particular with reference to suspension of the use of the death penalty and the role of military courts.

44. **Mr. Nteturuye** (Burundi) said that unfortunately some of the information in the Special Rapporteur's report was false. He recalled that Burundi had drawn attention to its security concerns on numerous occasions. It had not attacked the Democratic Republic of the Congo nor had it contributed to the worsening human rights situation in that country. It had simply taken security measures along its common border with a view to preventing the infiltration of Burundian rebels who had initially taken advantage of the chaos in the eastern part of the Democratic Republic of the Congo and had later joined with that country's Government forces. Those rebels were making criminal raids into Burundi and had the support of the Interahamwe and the genocidal forces from Rwanda as well as, more recently, of the militia supporting the Kinshasa authorities.

45. The Lusaka Ceasefire Agreement provided for the disarming of the destructive forces operating in Congo. Burundi had no political or territorial ambitions with regard to the Democratic Republic of the Congo and, once the situation no longer posed a threat, it would put an end to the measures it had taken. Burundi wanted peace for the Democratic Republic of the Congo as provided for in the Lusaka Peace Agreement. It wanted the Government of the Democratic Republic of the Congo to contribute to peace in neighbouring Burundi by refraining from providing arms, logistical support and encouragement to the rebel forces and by joining in the peace process and accepting the peace agreement between the Burundian parties signed in August 2000. It should also join with all the countries of the region that wanted to neutralize the Burundian rebels.

46. His Government hoped that the rebels would join in the peace process and agree to negotiate a ceasefire. However, so long as they could count on arms and military equipment from the Government of the Democratic Republic of the Congo, they had not yet agreed. His Government supported implementation of the Lusaka Peace Agreement concerning the Democratic Republic of the Congo and the Arusha Peace Agreement relating to Burundi, which served the mutual interests of both countries and the cause of peace in Burundi, the Democratic Republic of the Congo and the other countries of the region.

47. **Ms. de Wet** (Namibia) wondered if the Special Rapporteur could provide more details on the recommendation to United Nations organs, contained in paragraph 130 (d) of his report, concerning the establishment of an arms embargo on all countries involved in the Congolese conflict.

48. **Mr. Garretón** (Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo), although agreeing with many of the criticisms made, said that the brevity of his report was due to the rules which he had been required to follow, since more than 16 pages would not have been translated. He was expected to report on nine wars and 28 armed groups in the country, all of which were violating human rights, in a 16-page report and a 10-minute oral presentation. As the representative of Uganda had rightly pointed out, the report had only been published two days before, although the draft had been delivered on 3 September and not on 20 September as stated in the report. It was not his fault that the United Nations had taken so long to translate it. He noted that the previous year the report had been distributed after the Special Rapporteur's oral presentation, although that was unusual.

49. While it was true that he had only visited the Democratic Republic of the Congo once, lack of funding had prevented him from making more visits. His mission had been limited to 12 days but he had nevertheless managed to visit Kinshasa, Goma, Bukavu, Kisangani and Gbadolité and he stood ready to undertake as many visits, of whatever length, as necessary.

50. There were 27 prisoners in the Sixth Brigade in Bukavu, which was occupied by Rwandan, Ugandan and Burundian forces, none of whom were included on the list of detainees. He had not been able to interview any prisoners because he was refused permission, as had also been the case in Kinshasa. Although Uganda, Rwanda and Burundi were right to want to protect their borders, they had overreacted by establishing a 1,000 kilometre-wide security zone between the eastern border of the Congo and where the forces involved in the ceasefire process were located. That territory was controlled by forces which were not those of the Kinshasa Government.

51. The day before, the Special Rapporteur on extrajudicial, summary or arbitrary executions had mentioned the case of the 15 women buried alive in Mwenga. That was a well corroborated fact, about which there was no doubt. He had questioned the leaders of the Rassemblement congolais pour la démocratie (RCD) about measures taken to shed light on the massacres in foreign-occupied territory: there had been no investigation and no one had been punished.

52. With regard to the exploitation of the wealth of the Democratic Republic of the Congo, if there had been no exploitation, he wondered why the Security Council would have established an expert panel to investigate the removal of that country's wealth. He also pointed out that he had amended his report to indicate that the Democratic Republic of the Congo had signed the First Protocol Additional to the Geneva Conventions. Finally, in response to the representative of Namibia, concerning paragraph 130 (d) of his report, in which he recommended that the organs of the United Nations should "establish an effective arms embargo on all countries involved in the Congolese conflict", he maintained that recommendation because he believed that it was difficult to establish peace in an area where arms were so readily available.

53. **Mr. Mutaboba** (Rwanda) said that, with or without the help of the international community, his Government would, in compliance with the Genocide Convention, endeavour to hold meetings with the Interahamwe militias or with former Rwandan government forces, even if they were thousands of kilometres away.

54. **Mr. Booto** (Democratic Republic of the Congo) expressed his satisfaction that the report had finally been accepted as a question of concern to Uganda, Burundi and Rwanda as well as his own country, in that the former three countries had invaded the territory of the Congo in order to commit various atrocities. With regard to the remarks by the representative of Uganda, he said that the Lusaka Protocol represented the best hope for peace, but it was not a licence to commit atrocities or trade away all his country's mineral resources. If the three countries were truly civilized, they should cite just one example of a provision of international law that permitted them to invade the territory of a neighbouring country in order to strengthen their own borders.

55. **Mr. Bakhit** (Sudan) said that, to justify its aggression in the territory of the Democratic Republic of the Congo, Uganda had claimed that there were

Sudanese forces in the territory. His delegation categorically denied those claims, which were groundless; the report contained no mention of a Sudanese presence in the territory of the Congo.

56. **Ms. Nyirinkindi** (Uganda) said that the claims originated not in Uganda but in the Special Rapporteur's report. They must therefore have come from the Special Rapporteur's office, not from Uganda.

57. **Mr. Mavrommatis** (Special Rapporteur of the Commission on Human Rights on the human rights situation in Iraq) said that his report (A/55/294), which was three months old, required updating, for he had since held meetings with the Permanent Representative of Iraq to the United Nations and with the Office of the Iraq Programme. A visit to Iraq was a sine qua non, not only in order to verify allegations but also because it was part of his mandate and duty to try to engage the Government in a dialogue that would lead to compliance with the country's international obligations in the field of human rights. While waiting for an invitation to visit Iraq, he had started to gather information from other sources: he had visited Kuwait, and later London, where he had interviewed various witnesses or alleged victims of human rights violations in Iraq. One obstacle was the refusal of witnesses or victims of such violations to allow themselves to be named for fear of retaliation against themselves or their families. Despite the difficulties and limitations, he had been able to reach some conclusions on the allegations; conclusions on other allegations that were not supported by the necessary details or evidence would have to be drawn later, pending the receipt of replies from the Government of Iraq.

58. According to information received in the past months, it appeared that executions continued to take place in Abu Gharib prison. It was alleged that at least 122 male prisoners had been executed in the first months of 2000. They were mostly people who had been detained for opposition to the ruling party and had later been condemned to death. Men, women and minors allegedly continued to be arrested on suspicion of political or religious activities or simply because of family ties with members of the opposition. Some, it was claimed, were detained for long periods of time, without being given access to a lawyer. It was said that trials were held in camera and defence lawyers, if appointed, gave little help to the accused. There were also claims of torture and ill-treatment of members of the opposition, their collaborators or their relatives. Prisons, especially in Baghdad, were seriously overcrowded and prisoners were reportedly subjected to ill-treatment, including rape and sexual abuse of both men and women. He had been told that in two detention centres in Baghdad prisoners were kept in metal boxes which were opened for only half an hour a day.

59. During his visit to Kuwait, he had examined the situation of Kuwaiti prisoners of war and missing persons. He had come to the preliminary conclusion that enough material existed to justify speeding up the investigations, given that almost 10 years had passed since the alleged disappearances. He reiterated that the issue was purely humanitarian and its solution should not in any way be hindered by any other considerations. He urged the Government of Iraq and all interested parties to rejoin the work of the Tripartite Commission and its Technical Subcommittee and to examine the individual cases submitted by the Government of Kuwait.

60. According to information received in relation to the Government's policy of "Arabization" in the Kirkuk area, the Government provided grants and other incentives to Arabs who moved to the area, while maintaining legal impediments to the possession and transfer of property by non-Arabs. The Government deported non-Arab families, especially Kurds, Turkmen and Assyrians, and confiscated their property on a large scale. Those who resisted were subjected to intimidation, arrest, economic hardship and ultimately forced expulsion: between 1991 and 2000, some 94,000 people were said to have been expelled. In view of the fact that a large number of Kurds lived in government-controlled areas or travelled through such areas for other reasons, he urged the Government of Iraq, which had denied the truth of the claims, to undertake a proper investigation and put an end to any forced relocations.

61. Some of the most disturbing of the recent complaints received concerned threats against Iraqi refugees and members of their families aimed at inducing members of the opposition residing abroad to abandon their activities. General Njeeb Alsalhi, a member of the opposition living in Jordan, claimed to have received a videotape showing the rape of a female member of his family, although he refused to hand over the tape without a guarantee that senior officials of the Iraqi Government would be tried. Also of concern were the allegations of ill-treatment or intimidation of the

families of those opposing, or suspected of opposing, the regime, such as women whose husbands or male relatives had fled or been arrested or executed. There was also evidence that some security officials, acting in their personal capacity, extorted money from such families in return for helping them escape abroad.

62. He was deeply concerned by the humanitarian situation. He had therefore held meetings with the Secretary-General, members of the Secretariat, the staff of the Office of the Iraq Programme and members of the Security Council in order to receive a full briefing on the situation. The improvements, described in paragraphs 55 ff. of the report, belonged to a period prior to the issue of the Secretary-General's report (S/2000/857) and his letter. It was a matter for concern that the improvements had not been maintained. The questions raised in those documents, the issue of humanitarian flights and other matters would probably be dealt with in the Special Rapporteur's next report to the Commission on Human Rights.

63. The humanitarian situation should be kept under constant review and the necessary measures should be taken to alleviate the suffering of innocent people. In that context, he urged the Government of Iraq to increase its cooperation with the oil-for-food programme and to allow the experts appointed by the Secretary-General under Security Council resolution 1302 (2000) to enter Iraq in order to prepare a study on the humanitarian situation in the country.

64. **Ms. Salman** (Iraq) expressed the desire of her country to cooperate with the Special Rapporteur. Despite the negative impact of 10 years of embargo on the human rights of the people of Iraq, her Government had done everything possible to promote and protect human rights. Iraq was the victim of a political campaign mounted by the previous Special Rapporteur with the collaboration of enemies of her country, who were well known. In violation of the provisions adopted by the General Assembly with regard to the neutrality, objectivity and impartiality of Special Rapporteurs, the previous Special Rapporteur had used his mandate to demand changes in the political regime of the country and had distorted the facts in order to manipulate public opinion concerning the flagrant violations of human rights from which the people of Iraq were suffering as a result of the embargo and the military aggression mounted by the United States and the United Kingdom with a view to creating conditions enabling interference in the internal affairs of the country.

65. Wishing to cooperate with the new Special Rapporteur, Iraq had welcomed his appointment and had responded, and would continue to respond, to his queries. Rejecting the false accusations made against it and wishing to avoid politicization and positions based on double standards, Iraq remained willing to cooperate with any honest attempt to improve the human rights situation in the country.

66. The Special Rapporteur's report contained false accusations and allegations submitted, as was recognized in paragraph 10 of the report, by Iraqis seeking asylum outside the country; it was, therefore, not a source of reliable or objective information. The Special Rapporteur should have verified that information before presenting it as true. Furthermore, the Special Rapporteur accused Iraq of continuing to violate its obligations under the International Covenant on Civil and Political Rights, an accusation that Iraq emphatically denied. It was unacceptable that such conclusions could be drawn without reliable information supporting them.

67. The report spoke of the matter of Kuwaiti soldiers who had disappeared. It should be pointed out, in that connection, that Iraq was the party most interested in resolving that humanitarian question, since its enemies were using the matter as grounds for maintaining the embargo. The Government of Iraq wished to cooperate with the International Committee of the Red Cross (ICRC), the Tripartite Commission and the Technical Subcommittee, but it should be remembered that, when in 1991 state institutions and penitentiaries had been attacked, burned and sacked, files and documents had been lost and many prisoners of various nationalities, including Kuwaitis, had escaped and fled to Kuwait on foot or taken refuge with the ICRC. Furthermore, following the aggression carried out in 1998 by the United Kingdom and the United States, both members of the Tripartite Commission, Iraq had ceased participating in the work of that body because it had become clear that the latter's goal was not to solve the problem but to politicize it and manipulate the humanitarian situation. Nevertheless, Iraq reiterated its desire to investigate the whereabouts of the Kuwaitis who had disappeared and urged the Special Rapporteur to check the ICRC files to gain better knowledge of the situation and of the efforts made by Iraq in that matter.

68. It should also be remembered that there were 1,150 Iraqi soldiers who had disappeared (nearly double the number of Kuwaitis who had disappeared) and that the Government of Kuwait had offered no explanation or information as to their whereabouts. Kuwait must also assume its responsibilities under the Geneva Conventions. Furthermore, the Special Rapporteur should study the consequences of the economic sanctions and the methods used to apply them, which contravened the principles of the Charter and of human rights instruments and had rather assumed the form of cruel vengeance against the Iraqi people.

69. The Secretary-General had already pointed out that the deterioration in the infrastructure — electric power, water, health, agriculture, communications, transport and education — was so extensive that the "oil-for-food" programme could not resolve the existing problems. The Secretary-General had also expressed his concern regarding the suspension of the sales contracts, which hindered the "oil-for-food" programme. The goal of the sanctions was obviously the destruction of the entire infrastructure of Iraq. In addition, they were inflicting indescribable suffering on the entire population and had caused the death of 1.5 million citizens thus far.

70. When the Special Rapporteur urged Iraq to carry out the provisions of Security Council resolution 1284 (1999), he should bear in mind that that resolution was political and that its true purpose was not to raise the embargo but to confuse public opinion. The conditions that Iraq was called upon to fulfil under that resolution were ambiguous and impracticable. The Humanitarian Coordinator for Iraq had himself said, when he resigned his post on 31 March 2000, that the main reason for his resignation was that most of resolution 1284 (1999) could not be carried out. Finally, the Government of Iraq asked that the tragic situation of the Iraqi people be taken into account and affirmed its firm intention to cooperate.

71. **Mr. Mavrommatis** (Special Rapporteur on the situation of human rights in Iraq), speaking in reply to the representative of Iraq, said that some of the matters concerning which that representative had raised objections in her statement had been dealt with in his opening comments. A certain degree of cooperation had been achieved and he had had several meetings with the Government of Iraq. Nevertheless, in order for him to carry out his mandate, he needed to be able to visit Iraq. In the case of previous Special Rapporteurs, the criticism had been that they had visited the country only once. He, for his part, had not been able to make a single visit. Although he had been invited by other parties concerned in the region, he had not been able to travel even once to Iraq.

72. The more he listened to statements by both parties regarding people who had disappeared and prisoners of war, the more convinced he became that there was a solution to the problem, provided it was treated as a humanitarian problem without allowing other considerations to infringe on the solution to the problem. He had mentioned that his report covered developments in the humanitarian situation up to the most recent report of the Secretary-General and was up to date with all reports issued so far on the matter. He had met with people who had different views on the matter of innocent people who were probably dying as a result of the situation in the country, which was a matter that he had dealt with in the report.

73. Finally, with regard to article 6 of the Covenant and the right to life, the Special Rapporteur was not referring to cases of a political nature. The Government of Iraq had admitted that there had been executions of civilians accused of crimes that, according to the practice of the Human Rights Committee, did not merit the death penalty. He was referring to the considerable number of crimes that were subject to the death penalty and the inability to get a fair trial, facts that the Government of Iraq did not even deny as it treated the death penalty generally as a sentence without appeal. That constituted, therefore, a violation. He wished to visit Iraq in order to open a dialogue with the Government aimed at reducing the number of crimes punishable by the death penalty.

The meeting rose at 6.10 p.m.